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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00279-JAD-PAL

8 Plaintiff,

9 v.

ORDER

10 JOSHUA SADAT WASHINGTON,

(Mot. for Subpoena – ECF No. 193)

11 Defendant.

12 Before the court is Defendant Joshua Sadat Washington's Emergency Motion Requesting
13 Subpoena for Required Material (ECF No. 193), filed February 27, 2018. The motion was filed
14 *ex parte* and under seal. This motion is referred to the undersigned pursuant to 28 U.S.C.
15 § 636(b)(1)(A) and LR IB 1-3 and 1-7(g) of the Local Rules of Practice.

16 The motion seeks production of materials from Storage West pursuant to Rule 17 of the
17 Federal Rules of Criminal Procedure. The court granted Washington's prior Motion for Subpoena
18 (ECF No. 160) to Storage West. *See* Feb. 6, 2018 Order (ECF No. 165). However, the subpoena
19 duces tecum was returned unexecuted because the facility manager was unable to accept service
20 and directed that service be made on Storage West's resident agent, the Corporation Trust Co. of
21 Nevada. Washington's new motion requests the same materials with service on the resident agent.
22 Having reviewed and considered the matter, the court finds that Mr. Washington has met his
23 burden of establishing the need for production of the materials described in the motion. The court
24 will therefore, direct issuance of a subpoena duces tecum instructing the custodian of records for
25 Storage West to produce the designated items to the Clerk of the Court by the close of business on
26 March 5, 2018. The United States Marshal will be directed to serve the subpoena on the resident
27 agent. Upon receipt of the documents, the Clerk shall notify counsel for the parties that the
28 documents are available for inspection and copying.


1 However, the court does not find good cause for the *ex parte* sealed filing. Washington
2 served the prior motion (ECF No. 160) on the government and it was not filed under seal. The
3 current motion requests the same materials as the last motion and does not discuss Washington's
4 trial strategy. The court will therefore direct the Clerk of the Court to unseal the motion.

5 Accordingly,

6 **IT IS ORDERED:**

- 7 1. Defendant Joshua Sadat Washington's Emergency Motion Requesting Subpoena
8 for Required Material (ECF No. 193) is **GRANTED**.
- 9 2. The Clerk of the Court shall **UNSEAL** Washington's Emergency Motion
10 Requesting Subpoena for Required Material (ECF No. 193).
- 11 3. The Clerk of the Court shall issue a subpoena to Storage West and deliver a copy
12 of the Motion, this Order, and subpoena to the U.S. Marshal for *expedited service*.
- 13 4. The custodians of records for Storage West shall produce and forward records
14 responsive to the subpoena by **4:00 PM on March 5, 2018**, along with a copy of
15 this Order, to:
16 Clerk of Court
17 United States District Court for the District of Nevada
18 333 Las Vegas Blvd. South
Las Vegas, Nevada 89101
- 19 5. Upon receipt of the records, the Clerk of Court shall notify counsel for the parties
20 that the documents are available for inspection and copying.
- 21 6. The cost of process, fees, and expenses for the subpoena shall be paid as if
22 subpoenaed on behalf of the government, the court being satisfied that Mr.
23 Washington is financially unable to pay the fees and expenses.

24 Dated this 27th day of February, 2018.

25 
26 PEGGY A. LEEN
27 UNITED STATES MAGISTRATE JUDGE
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